

Town of Milton
Town Council Meeting Minutes
Milton Theatre, 110 Union Street
October 2, 2006

1. **OPEN FLOOR** at 7:15 p.m.

Bob Blaney (210 Chandler Street): addressing Mr. Brady-you were going to prepare a statement or direction for the council recently the process and the fairness of the impact fee increase. Mr. Brady: You are correct, I'm not done. I'm hoping to have it done for the November 6 meeting and copies available before that time. Mr. Blaney: You're aware that our attorney has suggested that we not pay the impact fee until you make your comments. Mr. Brady: Your attorney sent me a letter and I told him that there would be no court enforcement, penalty or interest fees until I gave an opinion to council.

Nicholas Benz: Dogfish Head Brewery will help the Town to proceed to survive. Ad Hoc Committee in place whose mission has only been to explore one solution, GMB. Either we have to change the mission of the committee dissolve the committee and recreate a different committee in order to pursue that. There are pros and cons to either solution. It's more important to us that we actually pick a solution and actually do something with the solution.

D. J. Hughes: (regarding resolution for the sewer plant) wants council to pass that referendum tonight. It's time to act and pass the resolution so it can move forward to the public so they can actually vote on it. Also urge the Town to do a very proactive education for this referendum.

Lynn Ekeland (406 Union Street): was blindsided by the comments about Tidewater at the last meeting. If we were to go the Tidewater route what effects would that have on the prepaid use system that the town has already collected and what effect would that have on the \$8,000 annexation fees that we are currently charging? Mayor Post: I think it is too premature to know.

Jim Welu (30231 E. Mill Run): Feels there is a need for a better public address system at any meeting you have, people often can't hear what is going on. Mariner Middle School has an excellent PA system. Bothered him at the workshop on the budget was there was a lot of ex-partiate communications by council members that were not really available to the public, decisions of the council should be made on the public record and they should put them in the public record if the record is still open. They should be written so that other people can see them and have a chance to respond to them. I was taken aback by the process in the public hearing on the sewer referendum issue last Monday. A lot of important things came out from our questions but it was like we weren't there to comment on some grand scheme or alternative, we had to pull them out from the town administrator or from council members and it seemed like a strange way to hold a public hearing. I had asked what would be the time line if Artesian or Tidewater were selected in terms of building it vs. going to an outside contractor. I don't know if we got an answer or not. Questioned Councilman Prettyman on his negative vote.

Katherine Greig: (326 Union Street) representing the Neilson Garden Club, gave monthly report. Wednesday, October 4th fundraiser.

Stephanie Parker: (113 Broad Street) upset that the mayor and council had eliminated from the budget any funding for the historic survey. Understands the need to prioritize budget items and make the hard decisions on where the money is to be spent. Felt the decision was made behind closed doors and without information being open to everyone and was made due to unidentified phone calls and e-mails they received. Were the surveyed residents fully informed of the information or understood what exactly was to be done? The record does not show what question or questions were actually posed to those residents. We will never know the answers to these questions and yet the results of this behind the scenes survey apparently carried great weight in the decision to not include this item in the budget. Mayor Post: only about 5% of the public is represented here every council meeting, whether it's here, whether it's a note dropped in mailbox or whether it's a phone call or whether it's out on the street, everybody matters, every person counts.

Donna Gordon: (Milton Cat Snippers) gave update, spayed or neutered of over 300 cats since June 2004. Unfortunately, we are broke. We are filing a grant application with Pet Smart Charities. On Thursday, October 26, at Irish Eyes, it's the save a cat, feed a bird fund raiser. Any discretionary funds available from the town will be very, very welcome.

Libby Zando: agrees very strongly with Stephanie and her position that she just made. Read and commented Mayor Post's letter in the paper, still thinks that there are some issues that still need to be resolved. Mayor Post: I've done nothing that wasn't done the same way for the past 20 years. The only thing different is I've moved politics from the outside in the back room to the front.

Mary Hudson: (406 Union Street) thanks to three who voted for the referendum and thanks to three that voted against it. I can understand why you would say to wait until we have the information that we need. In the past, council voted for \$8,000 for EDU's and \$8,000 per acre, is there documentation of cost expenditure analysis, a study or something to support, what documentation is there to support our town charging \$8,000 per acre and \$8,000 per EDU? Mr. Brady: Town council asked me to look into that two months ago and Mr. Blaney referenced that in his comments earlier tonight, that's what I'm still working on. I plan to have it for the next meeting, November 6, with all the details and have it released beforehand so people can comment on it.

OPEN FLOOR closed.

REGULAR MEETING opened at 7:45 p.m.

1.

Present: Councilwoman Melson
Councilwoman Betts
Councilman Frey
Councilman Harris
Councilman Dvornick
Mayor Post

Absent: Councilman Prettyman

Councilwoman Betts offered a moment of silence, followed by the Pledge of Allegiance to the Flag.

Additions/corrections to the agenda:

Councilman Dvornick: 2 additions of new business: a. Property acquisition, b. Approval of dates in the sewer waste treatment plant report for public information sessions.

Mr. Dickerson: the USDA funding presentation, could not take place because the lady in charge of that had a death in the family and was unable to attend.

Councilman Dvornick makes a motion to approve the agenda as amended, Councilwoman Betts seconds it, all in favor "Aye". Motion carried.

Approval of minutes:

September 5, 2006 regular meeting-Councilman Dvornick makes a motion to approve, Councilman Frey seconds it, all in favor "Aye". Motion carried.

September 15, 2006 workshop-Councilwoman Betts makes a motion to approve, Councilman Dvornick seconds it, all in favor "Aye". Motion carried.

Committee Reports:

Planning and Zoning-Ginny Weeks gave report: approved additions to HOB and Milton Elementary.

Board of Adjustment-John Collier: gave brief along with a written report. Written report made a part of the record.

Town Charter/Adhoc-Joanie Martin-Brown: two meetings in October excellent.

Personnel-Councilman Frey: no report.

Old sewer and water plant-Councilwoman Melson: no report.

Streets and Sidewalks-Councilwoman Betts: still 8 lights out in Wagaman's West Shore that has not been on since they installed them. I will look into that tomorrow.

Historic Preservation Review and Preservation-Stephanie Parker: will have report in November.

Parks and Recreation-Councilman Harris: waiting for bid on irrigation for the bicentennial garden before we start the plantings. Also waiting for some designs of the new pavilion in the bicentennial garden before we start the plantings.

Economic and Development-Councilman Harris: met and plan on doing within the next 60 days is a public presentation. There will be an invitation and packet sent out to local businesses and developers, open to the public to try to market Milton as a potential sight for businesses.

Sewer Plant Planning and Development Adhoc-Councilman Dvornick: gave a PowerPoint Presentation. Public information meetings-Thursday, October 19; Thursday, November 2; and Saturday, November 11; to provide information on financial impact and design of the facility. Information ready for distribution on or about October 15, preliminary meeting in early November, bidder replies sometime in late November/early December, bid analysis, using the mid part of December to go back to bidders for their best and final price in the early part of January, 2007; award sometime in mid January-February council meeting and then initiate construction towards the end of the first quarter of 2007. Charlie O'Donnell: made a presentation for GMB. Currently on average, the plant sends 37 pounds per day of nitrogen to the Broadkill River and we are looking at reducing that to 20 pounds per day, that's a 40% reduction. Currently the plant sends 13 pounds per day of phosphorus and we are reducing that to 7 pounds per day. We are reducing the amount of BOD levels by 25% from 44 pounds to 33 pounds per day. We are increasing the stream discharge from the current 350,000 gallons to approximately 800,000 gallons per day.

200th Anniversary Adhoc-Councilwoman Betts: presentation on October 17 here at the theater at 7 p.m. It's a special preview of what's going to happen in 2007.

Written reports:

Town Manager: first, passed out Rehoboth Beach Tree Ordinance for Council to review, change, and comment on. Second, passed out Freedom of Information Act Policy for council to look at this month, review it and give feedback. Will be posted to the website for public comment and added to November agenda. Third, contacted Russell McCabe regarding historic marker being placed where old school house was torn down on route 16, hopefully they will get back to us. Fourth, drainage problem in the Shipbuilders Village. September 28, we had a meeting with CABA Associates (Bob Kerr), Randy Grier from DNREC, Jessica Watson from soil conservation, Mike Connor from Christiana Excavation, Maryann Capano, Paul Rubino from Harland Lakes Development, Roger Gross from Hersey Consultants, and myself. We asked about an easement across the back of the school so that we could put some piping in there to relieve that draining problem, connect the tent basin together to get that effort, run it down across Harland Lake and eventually it would drain into the pond. At this meeting, we talked about the design, how that was going to take place and we do have a litigation issue with Shipbuilders Village, which I cannot comment on, but our attorney is well briefed on and we are going to discuss some of those things to resolve this so that this project can move forward and hopefully in the very near future to relieve this drainage problem. Fifth, Comprehensive Plan-Milton's was passed in 2003. The 2004 and 2005 yearly updates have not been completed. Working on to get completed for submission to the State Planning Office. Required documentations that have not been done. Update for Comprehensive Plan and full review of document is due in 2008. Conflicting areas between existing future land use and zoning maps, create a mixed use zoning district, identify mixed use zoning areas, update future land use, update zoning maps, identify potential conflicts with the state and county maps as they exist today, incorporate an area regarding the expansion of the Governor's Walk in with our progress, identify within the plan the amendments needed for design standards and the kickoff for this will be a meeting where the following committees and members should attend. This meeting will be posted and held on Monday, October 30, 2006, at Mariner Middle School we will let you know about the time. All committees currently in town should be involved with this process. Planning and Zoning Commission, Board of Adjustment, Economic Development, Zoning Ordinance, Town Council, Historic Preservation Ad-hoc Committee and the Town Charter Committee. Think about one

designated person to work with the planner who will be giving the lecture/talk on the 30th, explain what our process is, and how we are going to get there to update our comp plan. Sixth, Bank Balances-general checking account and money set aside, we have \$1,945,207.74 and the sewer impact fees and the transfer tax also totaling \$2,516,302.62. The beginning of the fiscal year was yesterday on October 1. As of today, the Edmond Software, all the training has been completed, all the figures for the new fiscal year, which is the 2006-2007 budget have been plugged in. When we go in the office tomorrow, the billing is due for the water and sewer, we are ready to push a button and print the bills. You will be getting new bills based on that software.

Code Enforcer Report: Councilman Dvornick makes a motion to accept the report in written form, Councilwoman Melson seconds it, all in favor "Aye". Motion carried.

Maintenance Report: Councilwoman Melson makes a motion to accept the report in written form, Councilman Dvornick seconds it, all in favor "Aye". Motion carried.

Police Report: Councilman Frey makes a motion to accept the report in written form, Councilwoman Betts seconds it, all in favor "Aye". Motion carried.

Unfinished Business:

Approved asset detail: approval of the asset detail has been presented and all council members should have is the issue of the assets with regard to the article found in the charter by Mr. Collier. Mr. Dickerson read the work that was done to complete it. Mr. Brady read the Charter Section 29 subpart (c) (2). Everything, from what it was explained to me and what I reviewed, appears to now have a complete inventory as of Saturday, which was the end of the fiscal year. Councilman Harris makes a motion to accept the Asset Detail list with an amendment to the budget, Councilwoman Betts seconds it, all in favor "Aye". Motion carried.

Resolution for the referendum: Mr. Brady read the second resolution into record again. Councilman Dvornick makes a motion that we adopt the resolution as read by the town solicitor, Councilman Harris seconds it.

Roll call vote: Councilman Dvornick – "Yes"
 Councilman Harris – "Yes"
 Councilman Frey – "Yes"
 Councilwoman Melson – "Yes"
 Councilwoman Betts – "Yes"
 Mayor Post – "Yes"

The resolution passes.

Councilman Dvornick makes a motion to go into executive session to discuss property acquisition, Councilwoman Betts seconds it, all in favor "Aye".

Councilman Dvornick makes a motion to come out of executive session at 9:15 p.m., Councilman Harris seconds it, all in favor "Aye".

New Business:

Councilman Harris makes a motion to ratify the contract with T Ventures to purchase property for the waste treatment plant, Councilwoman Betts seconds it, all in favor “Aye”. Motion carried.

Councilman Harris makes a motion to purchase 113 – 115 Federal Street building for the use of the Town, Councilwoman Betts seconds it, all in favor “Aye”. Motion carried.

Councilman Dvornick makes a motion to set dates for public information meetings for Tuesday, October 17, Thursday, November 2, Saturday, November 11, announcing later as to where they will be held, Councilwoman Betts seconds it, all in favor “Aye”. Motion carried.

Councilman Dvornick makes a motion to adjourn, Councilwoman Betts seconds it, all in favor “Aye”. Motion carried.

Respectfully submitted,

Stephanie Coulbourne
Town Clerk